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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of its resolution 1546 (2004), the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the seventh submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the previous report (S/2005/766 of 7 December 2005). It presents a summary of key political developments in the period under review, particularly with regard to the December 2005 election, the Government formation process and regional developments pertaining to Iraq. The report also provides an update on the activities of my Special Representative for Iraq, Ashraf Qazi, and UNAMI, an assessment of the security situation and an update on operational and security matters.

II. Summary of key developments in Iraq

A. The December election and the political process

3. Following the adoption of the new Constitution by the Iraqi people in the referendum held on 15 October 2005, the December election for a new Parliament, the Council of Representatives, marked the beginning of the last phase of the political transition process set forth in the Transitional Administrative Law and endorsed by the Security Council in resolution 1546 (2004).

4. The election held on 15 December 2005 was the third major national electoral event in Iraq during the past year. Overall, election day was calm and no major incidents were reported. A total of 307 political entities and 19 coalitions encompassing more than 7,500 candidates representing almost all Iraqi communities and political affiliations entered the contest for the 275 seats in the Council of Representatives. Despite security concerns, voter turnout was high throughout the country. A total of 12,191,133 valid votes were cast in approximately 6,300 polling centres that accommodated over 30,000 polling stations. Of the valid votes, 295,377 were cast abroad and 203,856 were cast in 255 special polling centres for detainees, hospital patients and members of Iraq's security forces. These figures translate into

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a voter participation rate of over 75 per cent, a significant increase from the voter turnout in the January 2005 election, which amounted to approximately 58 per cent.

5. Compared to the January 2005 election, Sunni Arab voters in the governorates of Ninewa, Salahaddin, Tamim and Al Anbar — the governorates with the lowest turnouts in the January election — participated in significantly greater numbers in the December 2005 election. Several Sunni Arab and tribal leaders encouraged local populations to support the electoral process and in some areas provided protection to polling centres.

6. Campaigning was robust across the country particularly through the use of television, radio, the press and street posters. While overall levels of violence did not increase in the pre-election period, there were several acts of campaign violence. The Independent Electoral Commission of Iraq received 190 complaints during the period leading up to polling day. The large majority of the complaints related to poster damage, intimidation and aggressive conduct by supporters of political entities. However, some of the complaints referred to acts of a criminal nature including violent attacks resulting in the death of candidates and electoral staff. The Electoral Commission and my Special Representative repeatedly called upon all concerned to refrain from violence and to ensure an environment conducive to full participation in the electoral process.

7. Under the new electoral law, parties were to present separate lists of candidates for each governorate instead of a single national list as required during the previous election. The lists were subjected to close scrutiny by the De-Baathification Commission as required by the electoral law. As a result, about 200 candidates were disqualified from the election as they did not meet the requirements of the De-Baathification regulations. In accordance with the electoral law, the Electoral Commission notified election entities and candidates of the decisions of the De-Baathification Commission. In response, some parties replaced disqualified candidates.

8. Numerous safeguards were established to ensure a fair, genuine and transparent electoral exercise and to discourage attempts at fraud. The Electoral Commission deployed pre-election and post-election auditors as well as field monitors. Audit teams, which included members of the International Electoral Assistance Team, visited Erbil, Kirkuk, Ninewa, Baghdad, Hilla and Babil. Field monitors were deployed in most governorates to assess the implementation and conduct of operations on polling day. In addition, the Electoral Commission accredited over 270,000 political entity agents and more than 130,000 observers, including 949 accredited by international entities and institutions. Accredited observers were able to observe all stages of the electoral process, including the "special voting" on 12 December 2005 for detainees, hospital patients and members of the security forces. More than 3,000 political entity agents and observers were accredited to observe and monitor the out-of-country voting which took place in 15 countries from 13 to 15 December.

9. The Electoral Commission received a total of 1,980 complaints concerning the December election, of which 58 carried the potential to affect the outcome at a specific polling station. As a result of investigations into these complaints, the Electoral Commission annulled the results of 227 polling stations, issued penalties in 27 cases and dismissed polling staff involved in acts associated with attempts at

fraud. The Electoral Commission also fined several political entities and coalitions for breaching electoral regulations.

10. On 19 and 20 December 2005, the Electoral Commission announced partial election results. In response, 43 parties — mainly belonging to the Iraqi National Front, the Iraqi Accord Front and the National Dialogue Front — formed a group to protest against intimidation, ballot stuffing, over-registration, improper apportionment of seats to governorates and other election-related practices and to lodge complaints against the Electoral Commission. Amid growing protests over the announced partial results, and calls by political parties for an external investigation, the Electoral Commission welcomed the decision of the International Mission for Iraq Elections, an international non-governmental body composed mainly of independent electoral management bodies, to deploy a monitoring team as part of its observation mandate.

11. The International Mission monitoring team, which included two senior officials from the League of Arab States, was deployed from 1 to 18 January and assessed post-election activities, including the complaints process and audit visits. The International Mission issued its post-election assessment report on 19 January and concluded that the election "generally met international standards", thus paving the way for the announcement of uncertified results on 20 January. Twelve appeals of the uncertified results were then submitted to the Transitional Electoral Panel. Once those appeals were decided upon, the Electoral Commission on 10 February announced the certified results.

12. The election resulted in 12 political entities and coalitions, representing a broad political, ethnic and religious spectrum, winning seats in the Council of Representatives. According to the final certified results, the United Iraqi Alliance will remain the largest political bloc in the Parliament with 128 seats. The Kurdish Gathering won 53 seats. The Tawafoq Iraqi Front, an alliance of several parties including the General Conference for the People of Iraq, the Iraqi Islamic Party and the Iraqi National Dialogue, obtained 44 seats. The Iraqi National List won 25 seats, and the Sunni-dominated National Iraqi Dialogue Front gained 11 seats. The Islamic Union of Kurdistan secured 5 seats, and the Liberation and Reconciliation Gathering won 3 seats. The Progressives List gained 2 seats. Finally, the Al-Rafedeen List, the Iraqi Turkoman Front, the Mithal al-Aloosi List for the Iraqi Nation and Al Ezediah Movement for Progress and Reform won 1 seat each.

13. In conclusion, the election was conducted transparently and credibly. It was an inclusive exercise that succeeded in incorporating all of Iraq's numerous communities and political parties. The fact that it generally met international standards is not a small achievement, given that the election took place against the backdrop of an ambitious timetable and a very challenging political and security environment.

B. Other political developments

14. During the period under review, the focus of attention shifted from the electoral process to the process of government formation. According to article 143 of the new Constitution, the Constitution "shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette and the seating of the government that is formed pursuant to this Constitution". The

people of Iraq approved the Constitution in the referendum of 15 October 2005. The text of the Constitution was published in the Official Gazette on 28 December 2005. Negotiations on government formation are fully under way.

15. The Constitution stipulates the government formation process in the following stages. As a first step, the Council of Representatives has to be convened by the current President within 15 days from the date of the ratification of the election results, or, if an extension is required, no later than 30 days after such certification. At its first meeting, the Council of Representatives shall elect its Speaker and the two Deputy Speakers.

16. As a second step, the Council of Representatives shall elect the Presidency Council by a two-thirds majority of its members within 30 days of its first meeting. According to the transitional provisions of the Constitution, the Presidency Council, composed of the President and two Vice-Presidents, will replace the Office of the President of the Republic during the first four-year term under the new Constitution.

17. As a third step, the Council of Representatives has to elect the Council of Ministers, composed of the Prime Minister and the Cabinet. The Presidency Council shall charge the nominee for Prime Minister of the Council of Representatives bloc with the largest number of seats to form the Cabinet within 15 days from the date of the election of the Presidency Council. The Prime Minister-designate shall then undertake to prepare a Government programme and name the members of his Cabinet within a period not to exceed 30 days from the date of his designation. The Prime Minister-designate will have gained the confidence of the Council of Representatives upon the approval, by an absolute majority of the Council of Representatives, of the individual ministers and the ministerial programme.

18. Given that discussions about government formation have only just begun, the composition and programme of the new Government are the subject of intensive discussions, including the type and structure of government, the choice of Prime Minister, and agreement on a common agenda. Early indications are that a government of national unity is under consideration by most major parties. On 12 February 2006, the United Iraqi Alliance — the coalition with the largest number of seats in the Council of Representatives — selected Ibrahim Al-Jaafari as its candidate to continue as Prime Minister in the new Government. Mr. Al-Jaafari narrowly defeated Adil Abdul Mahdi, by 64 votes to 63, after the other two candidates, Nadim al-Jabiri of the Virtue Party and Hussein Shahristani, an independent Shia, withdrew their candidacies shortly before the vote.

19. The bombing of the holy Shia shrine of Imams Ali al-Hadi and Al-Hasan al-Askari in Samarra on 22 February, clearly aimed at provoking sectarian strife, drew immediate condemnation from Iraqi leaders from across the political and religious spectrum. The bombing followed two particularly violent days in Iraq and provoked intercommunal violence and reprisal attacks in Baghdad, Basra and other urban centres. Sunni mosques were reportedly attacked and a number occupied. There were also reports of large-scale demonstrations and violent clashes. In order to calm the situation, the Government of Iraq imposed a daytime curfew in Baghdad and three provinces. Negotiations on government formation were temporarily put on hold. Subsequently, a number of meetings were held among Iraq's political leaders to defuse the crisis and reach agreement on the way forward. At the time of writing, efforts to overcome the current crisis continue, while tensions remain high.

20. In a statement issued on the day of the bombing of the shrine, I expressed deep shock and sadness, appealed to all communities to show maximum restraint in the face of these provocative actions and called on all political and religious leaders to come together in a spirit of dialogue and mutual respect to calm the situation and dedicate their efforts to ensure the respect of human rights and the protection of places of worship. For his part, my Special Representative immediately launched intensive consultations with a broad spectrum of senior Iraqi leaders and hosted several important meetings among them to facilitate intercommunal dialogue. My Special Representative announced that UNAMI would explore the possibility of assisting in the restoration of the damaged religious sites with the support of the United Nations Educational, Scientific and Cultural Organization and the United Nations Development Programme. My Special Representative will remain actively engaged in supporting ongoing efforts to prevent a further deterioration of the situation.

C. Regional and international developments

21. The preparatory meeting held in Cairo in November 2005 for the Conference on Iraqi National Accord initiated by the League of Arab States concluded in an agreement to hold the Conference in Baghdad late in February or early in March 2006, with the aim of bringing together a broad range of representatives of Iraq's different communities to promote national reconciliation. Owing to the extended complaints and appeals process following the 15 December election for the Council of Representatives and its impact on the process of Government formation, the League of Arab States decided to postpone the Conference.

22. My Special Representative continued to maintain contact with the participants in the Cairo preparatory meeting. In his meetings, he recommended various confidence-building measures to which all participants agreed. He also discussed the possible identification of additional issues and participants for the Conference to widen and intensify talks with those outside the current dialogue. My Special Representative remains fully committed to supporting the Government of Iraq and the League of Arab States in the preparations for the Conference on Iraqi National Accord. He recently met in Baghdad with the Special Envoy of the League of Arab States, Mustapha Ismail, to discuss plans for the Conference. The League of Arab States is now planning to convene the Conference early in June. I have requested my Special Representative to continue to work closely with the League of Arab States on this initiative.

III. Update on the activities of the Mission

A. Political activities of the Special Representative of the Secretary-General

23. During the period under review, my Special Representative remained in close touch with all key Iraqi leaders to support the electoral process, facilitate negotiations on government formation and promote intercommunal dialogue with the aim of national reconciliation.

24. During the pre-election period, he held regular meetings with a broad spectrum of political leaders in Baghdad, including the leadership of smaller and minority parties. He also met with international and local electoral observer groups and with the Board of Commissioners of the Independent Electoral Commission of Iraq, with a view to ensuring that preparations for the election remained on track. During the post-election period, my Special Representative worked closely with the International Commissioner and the Electoral Commission to ensure that allegations of fraud and complaints regarding the election were addressed through a fully transparent complaints and appeals process. To that end, my Special Representative met with representatives from all parties and conducted thorough discussions with those contesting the results to ensure them that their complaints would be duly considered. He also stayed in close contact with the Multinational Force and resident diplomatic missions to keep them abreast of the tabulation of results.

25. On 5 December 2005, my Special Representative visited Najaf for the third time to meet Grand Ayatollah Ali al-Sistani and Grand Ayatollah Bashir al-Najafi. In January 2006, Mr. Qazi had to cancel his planned visits to Erbil and Sulaymaniyah, owing to the non-availability of the necessary air assets on short notice.

26. In Baghdad, my Special Representative hosted a number of prominent Iraqi visitors, including Prime Minister Ibrahim Al-Jaafari, Deputy Prime Minister Ahmad Chalabi, Foreign Minister Hoshyar Zebari, the President of the Kurdish regional government, Massoud Barzani, and prominent party leaders. He also hosted the Ambassadors to Iraq of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and met with visitors representing other Governments and Parliaments.

27. From 14 to 16 February, my Special Representative visited Moscow at the invitation of the Foreign Minister of the Russian Federation, Sergey V. Lavrov. During his visit, he also met with Deputy Foreign Minister Alexander Yakovenko, the Russian Special Envoy for Iraq, Sergey Kirchenko, and other officials. My Special Representative had a constructive exchange of views with his Russian interlocutors on the situation in Iraq and the role of the United Nations.

28. On 20 and 21 February 2006, my Special Representative visited Fallujah and Ramadi. Given the prevailing security environment in Al Anbar Province, this was his first occasion to visit these important cities. He met with the Governor of Anbar and members of the Provincial Council. Separately, he met with the local commanders of the Multinational Force to discuss the security and political situation. In Fallujah, Mr. Qazi met the Mayor and the Chief of Police. In all his meetings, the question of respect for detainee rights was raised, as was the importance of fully implementing agreements dealing with compensation for damages incurred by homeowners and local business people in the wake of counter-insurgency operations.

B. Electoral assistance activities

29. Throughout the process leading to polling day, the International Electoral Assistance Team, operating under the policy direction of the United Nations-appointed International Commissioner of the Electoral Commission, Craig Jenness, and with experts from the United Nations, the European Union and the International

Foundation for Election Systems, worked closely with the Electoral Commission to provide assistance and support to ensure the timely and successful conduct of the election.

30. The Assistance Team provided support in the recruitment and training of approximately 210,000 polling officials and in the registration and certification of 326 political entities and coalitions, representing over 7,500 candidates. The Assistance Team also helped in the accreditation of some 400,000 political entity agents and observers. Additionally, the team oversaw the procurement, transportation, distribution and storage of electoral materials. It also assisted with the implementation of operational activities and helped in establishing the tally Centre, which tabulated results from over 30,000 polling stations across the country.

31. The Assistance Team supported the development of required regulations and procedures for the conduct of the election and provided legal advice to the Board of Commissioners on several issues related to the electoral process. The legal support included assistance in streamlining the complaints process, including the complaints database and the triage and resolution procedures, and in strengthening the Electoral Commission's legal team, which was supported by lawyers hired from the Baghdad Bar. The Assistance Team also assisted in carrying out field audits and helped the Electoral Commission to enhance its monitoring procedures and practices.

32. The Assistance Team worked closely with the Electoral Commission in developing its voter education strategy and public outreach programmes. The Team helped with the design, production and distribution of 5 million posters and 2 million pamphlets in five languages, and the placement of advertisements explaining the electoral process in 37 newspapers across the country and on 14 television channels, 75 billboards and several radio stations. The team also helped with the accreditation of media officials, the organization of press events and the maintenance of the Electoral Commission's website.

33. Out-of-country voting was conducted on 12 and 13 December in 15 countries using a total of 560 polling stations. The programme was successfully implemented by the Electoral Commission. The Assistance Team supplemented the efforts of the Electoral Commission in terms of general planning, including logistics and operations, and the drafting of the necessary regulations and procedures.

34. During the past year, the Independent Electoral Commission of Iraq has built a considerable capacity of its own. As requested by the Government of Iraq, the United Nations will continue to provide electoral assistance in 2006. Priority activities will include the organization of a lessons-learned exercise concerning the referendum on the Constitution and the December election; strengthening of electoral institutions, including the creation of a permanent Independent High Electoral Commission; support for upcoming governorate and local elections and other electoral events; and providing technical advice and support in the upgrading of the voter register.

C. Constitutional support activities

35. The UNAMI Office of Constitutional Support has started consultations with a broad spectrum of political leaders, academic institutions and non-governmental organizations with a view to assisting in the constitutional review process envisaged

by the Constitution and the development of the legislation, institutions and processes necessary to ensure the effective implementation of the Constitution. Building upon its comprehensive support activities during the previous phase leading to the constitutional referendum on 15 October 2005, the Office plans to engage with the new Iraqi authorities and other Iraqi leaders on both procedural and substantive issues as early as practicable during the government formation process currently under way.

36. The Office is developing advice on the management of the constitutional review process, outlining the key issues that the new Council of Representatives and the Government of Iraq will need to consider in terms of the establishment and rules of procedure of the constitutional review committee. The Office will also provide advice on the substantive issues to be considered by that committee.

37. With regard to the broader process of implementing the Constitution, UNAMI is developing action plans on federalism and decentralization, the rule of law and human rights and national reconciliation, all of which contain a regional outreach component. The plans include a series of workshops aimed at facilitating engagement on the major constitutional issues, which have been designed in cooperation with other United Nations partners. The workshops will be held mostly in the region, but also inside Iraq and in countries outside the region. As a follow-up, the Iraqi participants will brief their constituencies or professional and civil society organizations on the main conclusions of the workshops. The Office intends to assist in these events with funding and experts, if required.

38. In the coming months, the Office will further develop its support activities on the basis of continuous broad-based consultations with the Council of Representatives, the Government of Iraq and its international partners. I welcome the continuing commitment of the European Union to actively supporting the Mission's efforts in this area, including through significant additional financial contributions. Several countries, including Canada, Denmark and Japan, have also signalled interest in supporting the Mission's constitutional support activities.

D. Reconstruction, development and humanitarian assistance

39. In accordance with paragraph 7 (b) of resolution 1546 (2004), UNAMI continued to support the efforts of the Government of Iraq in the areas of reconstruction, development and humanitarian assistance. UNAMI and United Nations agencies, programmes and funds focused on strengthening management capacities in ministries, providing and coordinating basic services and restoring public infrastructure. UNAMI also maintained its leading role in donor coordination. Given the prevailing security conditions and the constraints on the number of staff deployed inside Iraq, many of the Mission's reconstruction, development and humanitarian assistance activities continue to be carried out mainly through international and national implementing partners.

40. The Mission's continued support of Iraqi-led sector working groups resulted in enhanced donor participation in critical sectors such as health, education, the rule of law and energy. As part of its support to the implementation of the national development strategy, led by the Ministry of Planning and Development Cooperation, UNAMI has seconded an international adviser to the Ministry. The Mission has also been facilitating coordination, information flow between the centre

and the provinces and the regular participation of senior Government officials in regional and provincial coordination forums. Similarly, UNAMI has continued to facilitate the participation of local officials in discussions of the Baghdad Coordination Group, the Iraqi Strategic Review Board and other central bodies responsible for reconstruction and development and the allocation of resources.

41. UNAMI, through the efforts of the Deputy Reconstruction and Humanitarian Coordinator, has continued to ensure effective donor coordination in Baghdad. This has allowed for the articulation of common positions among members of the donor community on reconstruction and development challenges, as well as the exchange of information on bilateral donor programmes leading to enhanced efficiency. UNAMI coordination efforts have also led to a greater international focus on issues affecting civil society in Iraq. A senior humanitarian affairs officer seconded by UNAMI will assist the Office of the Prime Minister in creating an emergency coordination and response cell.

42. In an effort to complement the political support role of my Special Representative, the Deputy Special Representative for Reconstruction, Development and Humanitarian Affairs in Iraq, Staffan de Mistura, and his team have emphasized the need for Iraqi leadership on humanitarian and development initiatives as a fundamental element to promote political stability.

43. Ongoing military activities continue to affect the lives of a significant number of Iraqi civilians, especially in the western parts of the country. It is estimated that nearly 100,000 families remain displaced nationwide, although there have been returns to some towns in Al Anbar and Ninewa provinces. UNAMI, United Nations agencies and their partners continued to provide food, shelter and non-food items. Depots were established for pre-positioning stocks to facilitate swift responses to possible emergencies. Efforts to mobilize contingency funding from the International Reconstruction Fund Facility for Iraq and donors have begun to show positive results. It is hoped that this will ensure long-term support for vulnerable civilian populations.

44. The capacity of UNAMI to mobilize United Nations agencies through the Emergency Working Group and to coordinate efforts with local authorities has most recently been demonstrated during the flooding reported in nine governorates (Basra, Diyala, Dohuk, Erbil, Missan, Salahaddin, Sulaymaniyah, Tamim and Wassit) which, according to initial indications, affected approximately 7,890 families or more than 47,000 individuals. Within 24 hours, the area coordinator established contact with local authorities, civil society and United Nations agencies to coordinate United Nations assistance. A special appeal is being developed to request funding for at least the next three months.

45. On 30 January 2006, avian influenza was confirmed as the cause of death of one citizen in Sulaymaniyah governorate in the north of Iraq. This was followed by another confirmed case in the same area, as well as a possible case in the south. The UNAMI health cluster has taken the lead in coordinating the response. A joint technical assessment team of the World Health Organization and the Food and Agriculture Organization of the United Nations travelled to Iraq to determine the next steps in supporting the Government's monitoring and response capacity.

46. In preparation for its support role to the new Government of Iraq, the United Nations country team is revisiting its strategic plan for 2006-2008. Common country

programme training was conducted in early February. The results will be integrated into the strategic plans of the agencies and cluster activities, which are linked to the national development strategy.

E. International Reconstruction Fund Facility for Iraq

47. As at 31 January 2006, the total contributions to the United Nations Development Group (UNDG) Iraq Trust Fund, one of the two windows of the International Reconstruction Fund Facility for Iraq, amounted to $903.4 million. A total of 83 projects valued at $759.3 million were approved at the end of January for funding under the Iraq Trust Fund. At the same time, contracts worth $564.2 million (74 per cent of approved funding) had been initiated and $430.1 million (57 per cent of approved funding) had been disbursed. These figures represent further progress in delivering notable contributions to the reconstruction and development goals of Iraq, particularly considering the security and institutional circumstances under which activities are being carried out.

48. The highest level of disbursement remained in the electoral support cluster ($153.2 million of $174.7 million approved funding). This reflects a significant level of assistance given to the Independent Electoral Commission of Iraq, most recently in organizing the election in December 2005. The infrastructure rehabilitation cluster also posted a significant disbursement of $87.6 million (of $228.9 million approved funding). Together with disbursements under the education and culture cluster ($71 million) and the health and nutrition cluster ($40.3 million), this represents a major contribution in support of the provision of basic services.

49. The UNDG Iraq Trust Fund continues to promote increased transparency and accountability in its operations, particularly through the active use of its website (www.irffi.org). Monthly newsletters, highlights of project progress, details on procurement opportunities and contract award information from all agencies are posted on the site.

50. The fifth meeting of the Donor Committee of the Reconstruction Fund Facility, planned for June 2006, is an opportunity for the new Government of Iraq to present its development priorities. UNAMI will play a key role in supporting the Government in its substantive preparations for the meeting.

F. Human rights activities

51. The human rights situation in Iraq remains a cause of great concern. The UNAMI Human Rights Office continues to receive consistent allegations of human rights violations from individuals, local and national human rights groups and domestic and foreign media. While investigations into these allegations remain difficult owing to the prevailing security situation, the Human Rights Office has been able to corroborate claims through contacts with key ministries, local authorities and a country-wide civil society network.

52. The Government of Iraq faced persistent attacks and terrorist actions by armed groups in large parts of the country, challenging the stability of the country, its ability to protect its citizens and its capacity to provide basic services. Repeated bombings against civilians, mosques and more recently against churches are

creating fear, animosity and feelings of revenge within the communities. A new high in this trend has been observed during the reporting period. In Baghdad alone, 787 bodies were received by the Forensic Institute in December 2005, 479 of which had gunshot wounds. In general, violent tactics have been used by armed groups to kill thousands of police officers and members of the Iraqi security forces over the last months. Other professional groups such as journalists have also paid a high price — since March 2003, more than 80 journalists and media workers have lost their lives as a result of terrorist attacks.

53. The rule of law continues to be challenged by the existence of militias and other groups that act with impunity at both the local and regional levels. In northern Iraq, thousands of Kurdish militias (*Peshmerga*) have been recruited into Iraqi army divisions. The consolidation of local militia power in southern Iraq is resulting in systematic acts of violence against members of the Sunni community in the area. Such developments, including recent efforts to form a Sunni Arab militia, could seriously hamper efforts at promoting national accord.

54. At the same time, the internment of thousands of Iraqis by the Multinational Force and the Iraqi authorities constitutes de facto arbitrary detention. The extent of such practices is not consistent with the provisions of international law governing internment for imperative reasons of security. The problems faced by the prison system in Iraq also remain a matter of particular concern. These detentions are of dubious consistence with Iraqi law, which provides safeguards, limits and conditions that govern authorities other than the Ministry of Justice entitled to hold people in detention.

55. On 14 November 2005, the Multinational Force and Iraqi security forces carried out a joint inspection of Al-Jadiryia detention facility run by the Ministry of the Interior and revealed the confinement of 170 detainees. According to various sources, 101 detainees bore signs of torture and 18 were reported to have died while being detained. The Prime Minister's decision to establish an investigative committee to examine Al-Jadiryia abuses was welcomed by all communities. However, the results of the investigation, which were to be published at the end of November 2005, have not yet been made public, nor have any individuals been brought to justice. I am concerned by the delay in publishing the results of the investigation and in bringing the perpetrators to justice. On 10 February, the United Nations High Commissioner for Human Rights wrote to the Prime Minister asking for the report of the investigation to be released promptly. A separate inquiry was launched to determine the legality and conditions of detention in Iraq, but the findings of that inquiry have not yet been made public.

56. Military operations conducted by the Multinational Force and Iraqi security forces, especially in Al Anbar governorate, have raised a number of human rights concerns. Allegations of restrictions on freedom of movement, excessive use of force, mistreatment and theft during raids of private homes, evictions and demolitions of houses have been received by UNAMI. Such allegations were also raised during the visit of my Special Representative to Ramadi and Fallujah on 20 and 21 February 2006. UNAMI is following up on these issues with the Multinational Force and the relevant Iraqi authorities.

57. UNAMI continues constructive dialogue with key ministries dealing with law and order in Iraq. The Human Rights Office is developing a robust human rights strategy and coordinating efforts to set up a strong national human rights protection

system. This will include the creation of an Iraqi human rights institution independent of the Government. At the same time, the Office is working to strengthen the capacities of key ministries and civil society organizations to promote and protect human rights in conformity with international human rights treaties and the new Constitution. The Human Rights Office aims to strengthen its capacity to monitor the human rights situation in Iraq and support efforts to ensure a coherent approach to transitional justice, including establishing facts, creating effective accountability mechanisms for past violations, and identifying missing and disappeared individuals.

58. The second meeting of the rule of law sector working group was held in Baghdad on 15 February. Representatives of the Ministries of the Interior, Justice, Defence and Human Rights, some members of the Higher Judicial Council (Shura) and donors attended the meeting under the chairmanship of the Chief of the Higher Judicial Council. The meeting agreed on the terms of reference of the working group and the broad areas to be covered. The meeting was also an opportunity to review current donor assistance in this sector.

59. The trial of Saddam Hussein and seven co-defendants has continued. Following the ejection from the courtroom of Barzan Hassan by the presiding judge on 29 January in the wake of an outburst which amounted to contempt, Saddam Hussein walked out of the courtroom. He was followed by his team of privately retained counsel. The defence counsel for Saddam Hussein and his co-defendants failed to appear in court on 1 February and were replaced by an Iraq Higher Tribunal duty counsel, as provided for under Iraqi law. Those of the accused who appeared in court on 1 February signalled their disquiet with the replacement of their counsel. None of the accused appeared on 2 February. The defendants were compelled to appear in the courtroom on the order of the presiding judge on 13 February and the court heard additional witnesses on 13 and 14 February. The privately retained counsel have not been reinstated by the Trial Chamber and the right of the defendants to legal counsel of their choice, together with the conduct of the court to maintain order in the trial, remain key issues.

IV. Security and operational issues

A. Assessment of the security situation

60. Iraq remains a dangerous place and United Nations staff members are at risk of becoming targets of violence. The political transition and attempts to maintain security by the Multinational Force and Iraqi security forces have been accompanied by the development of an increasingly complex armed opposition capable of maintaining a consistently high level of violent activity across the country. Baghdad, Mosul and the western province of Al Anbar have been experiencing the worst of the destruction. Although the southern and northern governorates are less affected, some areas, particularly Basra and Kirkuk, have recently witnessed increased tension and a growing number of violent incidents.

61. The attacks remain highly lethal in character, producing large numbers of casualties among civilians, particularly those seeking to join the security forces. Trends in both targeting and technology are disturbing. In terms of targets, Iraqis involved in work associated with the Multinational Force, foreign construction

companies and infrastructure concerns (such as oil production companies) are seen to be of interest to the various armed opposition groups, as well as politicians, Government workers and their families. Attacks and kidnappings of foreigners, including journalists and humanitarian workers, have once again increased. The attacks, coupled with the destruction of critical infrastructure, have resulted in severe disruptions to the delivery of essential services across the country, including fuel, water and electricity. The targeting of the diplomatic community continues, as embassy staff are being abducted and killed and their facilities are being attacked. As for technology, the percentage of casualties and deaths caused by improvised explosive devices has increased, a trend which can be attributed to improvements in their design, especially in terms of their detonation and armour penetration capabilities.

62. The deteriorating situation is further evinced by the increased levels of sectarian strife, including almost daily reports of intercommunal intimidation and murder. In Baghdad and its surrounding areas, there are regular reports of bodies of Shia and Sunni men with signs of torture and summary execution. Violence affecting Kurds and Arabs has also been reported in Kirkuk, while the abduction and intimidation of ordinary Iraqis is a growing problem.

63. The situation in Basra has also been tense and the Multinational Force has restricted the freedom of movement in the area. Recently, the airport was partially closed under order from the Ministry of Transportation in Baghdad. Demonstrators have demanded the handover of security responsibilities to local authorities.

64. The security of the international zone in Baghdad, which is home to UNAMI premises, is of great importance to all occupants, including the United Nations. Accordingly, the situation, which is in the midst of a transition from Multinational Force primacy to that of the Iraqi security forces, is under constant review by UNAMI and the Department of Safety and Security. At the moment, the integrity of the internal zone perimeter and internal checkpoints is being maintained, but the topic is a regular point of discussion with the Multinational Force to ensure that the current level of security is sustained. From 9 to 13 February 2006, the Under-Secretary-General for Safety and Security, David Veness, visited Iraq. During his visit, he held discussions with interlocutors from UNAMI and the Multinational Force, as well as senior Iraqi officials, as part of the continuous United Nations review of security conditions in Iraq.

65. The Organization's presence and its ability to operate effectively in Iraq remain severely constrained by the security environment. This high-risk setting greatly restricts freedom of movement, especially by road. To provide United Nations staff members with the best security possible, and therefore ensure that the Organization is able to maintain a presence in Iraq, a number of mitigating and protective measures have been introduced, which are both expensive and time-consuming. These constraints underline the responsibility of all staff members to adhere strictly to the security measures in place. Moreover, the United Nations is dependent on the Multinational Force for movement security and threat information. To keep pace with the constantly changing security dynamics, the UNAMI security unit requires access to accurate information on a regular and timely basis. In this regard, I would like to thank Member States for responding positively to the request in my previous report for additional military advisers and military liaison officers.

66. I remain grateful for the personal security detail and guard units contributed by Fiji and for the "middle-ring" protection provided by troops from Georgia, the Republic of Korea and Romania. Contributions to the trust fund established to support a distinct entity under the unified command of the Multinational Force, with a dedicated mission to provide security for the United Nations presence in Iraq, stand at over $20 million from 15 Member States. Payments to Georgia and Romania for middle-ring protection as at 31 December 2005 amounted to $7.9 million. An interim financial report of the trust fund and a briefing were provided to the contributors in January 2006. I thank Member States for their continued support in allocating the necessary personnel, equipment and operating funds to UNAMI.

B. Facilities, logistics and support

67. The availability of dedicated air assets is essential for the Mission to implement its mandate effectively. However, the acquisition of such assets by the United Nations in Iraq remains a major challenge. The deployment of additional personnel to Erbil and Basra will remain on hold until this issue is resolved. Several Member States and NATO were approached with a request to provide such assets. So far, no positive responses have been received. I strongly urge Member States with the necessary capabilities to assist the United Nations with this critical requirement.

68. UNAMI continues to maintain offices in Baghdad, Kuwait and Amman, as well as small United Nations liaison detachments in Erbil and Basra. The construction of the new regional office in Erbil is completed. UNAMI national staff have already moved into the new premises there. The refurbishment and construction of the Basra regional office has advanced with the completion of living quarters for the United Nations Guard Unit and offices for personnel. Additional infrastructure requirements are near completion and the finalization of the whole project is expected late in March or early in April 2006.

69. I am grateful to the Government of Iraq for offering the United Nations a site in Baghdad. UNAMI is exploring the possibility of establishing, as a matter of urgency, a single integrated United Nations compound at the site, which could serve as a long-term location for the United Nations presence in Iraq.

C. Agreements

70. An agreement between the United Nations and the United States of America with respect to the protection of the United Nations presence in Iraq by the Multinational Force was concluded on 8 December 2005. That agreement forms an important foundation for the security of United Nations staff in Iraq. I welcome its conclusion. UNAMI is currently negotiating a series of supplementary arrangements with the Multinational Force to implement the agreement, and I look forward to their early finalization.

71. The United Nations continues to await approval of the status-of-mission agreement with the Government of Iraq, signed on 3 June 2005. This confirmation is important, as it will offer UNAMI the legal status necessary to fulfil its mandate and tasks. The agreement will enter into force following the completion of an exchange of notes of approval between the parties. The United Nations sent such a note to the

Government of Iraq on 6 June 2005, and I urge the newly elected Government to confirm its approval by way of a corresponding note.

72. Despite a number of requests for action by UNAMI, the agreement between Kuwait and the United Nations concerning the activities of UNAMI in Kuwait is still awaiting ratification by the Parliament of Kuwait. The delay in ratification has become an obstacle to the operations of the United Nations in the region. I nevertheless welcome the decision of Kuwait to address the anomalous legal situation of locally recruited UNAMI staff by issuing residency permits for a period of one year.

V. Observations

73. With the certification of the results of the December election on 10 February 2006, the transition timetable set forth in the Transitional Administrative Law and endorsed by resolution 1546 (2004) has been completed. While Iraq has met all the key benchmarks of this timetable, it continues to face formidable political, security and economic challenges. As demonstrated by the heinous bombing of the shrine of Imams Al-Hadi and Al-Askari in Samarra and its aftermath, sectarian violence has emerged as a main threat to the security and stability of Iraq. Mutual trust and national reconciliation must remain the top priority in setting Iraq on an irreversible path towards a peaceful and democratic future. The political and civil society leadership of Iraq must proclaim and implement their commitment to the unconditional respect for individual human rights and the establishment of the rule of law. In this endeavour, Iraq will continue to require sustained international support in the years to come.

74. The United Nations continues to believe that sustained and enhanced efforts to promote an inclusive, participatory and transparent political process that responds to the aspirations of all of Iraq's communities offer the best prospects for improving the overall security situation, consolidating the democratic process and improving the welfare of the Iraqi people. Recent calls for calm, restraint and dialogue by a diverse spectrum of Iraq's political leaders give grounds for hope. The need for sustained intercommunal dialogue and confidence-building measures to promote national reconciliation is all the more urgent now. The United Nations will continue to do everything possible to support such efforts.

75. In the coming period, the United Nations will therefore continue to make every effort to implement its mandate under Security Council resolutions 1546 (2004) and 1637 (2005), maintaining its core political, electoral and constitutional activities under paragraph 7 (a) of resolution 1546 (2004) while planning and implementing its reconstruction, development, humanitarian and human rights activities in a phased and integrated manner, as circumstances permit. The emphasis of its overall political strategy will be to institutionalize these processes and to promote national dialogue and reconciliation.

76. While the election held in December for the new Council of Representatives was the third national electoral event during the past year, it was the first election in which all Iraqi constituencies participated in large numbers as candidates and voters. The fact that the election generally met international standards and enjoyed a high turnout, despite an ambitious timetable and a very challenging political and security environment, is not a small achievement. During the past year, the Independent

Electoral Commission of Iraq has built a considerable capacity of its own, which will be a solid foundation for the conduct of future electoral events. As requested by the Government of Iraq, the United Nations will continue to provide electoral assistance in 2006.

77. With the discussions on government formation under way, Iraq has embarked on the next important phase of its political transition. I am encouraged that the new Council of Representatives is broadly representative of Iraq's communities and includes a substantial percentage of women. It is now incumbent on the parties represented in the Council to work with resolve towards the early formation of a fully inclusive Government, which remains a major challenge. Once established, the new Government will have a unique opportunity to demonstrate responsible leadership by uniting to develop an agreed national compact that is responsive to the aspirations of all of Iraq's communities.

78. The constitutional review process envisaged by the Constitution will be a key step in forging such a national compact. The Constitution provides for the early establishment of a Constitutional Review Committee of the Council of Representatives. It is my hope that the members of the new Council will use this process to reach a national consensus on a strong framework for the Iraqi State, which is an essential prerequisite for the country's long-term stability. On the basis of preliminary consultations with a broad spectrum of political leaders, the United Nations, in close cooperation with the European Union and other international partners, is fully committed to supporting the constitutional review process and the effective implementation of the Constitution.

79. The completion of the transition timetable should also encourage Iraq's political and economic reintegration into the region. Building on initiatives undertaken so far, there is a need to consider new ways to promote greater regional engagement between Iraq and its neighbours. While countries of the region have legitimate concerns about the current situation in Iraq, they also have an essential responsibility to do everything possible to promote peace and stability in the country. I remain supportive of the initiative by the League of Arab States to convene a Conference on Iraqi National Accord, which could potentially contribute to forging a broader national consensus in Iraq. In addition, the time has come to take the necessary steps to normalize the international status of Iraq, particularly in the Security Council.

80. The focus of UNAMI over the past year has been on the implementation of the benchmarks envisaged by the Security Council in resolution 1546 (2004). While political facilitation will remain a priority in 2006, the Mission intends to strengthen its activities in the other key areas of its mandate, particularly reconstruction and development. One of the key priorities of the new Government of Iraq will be tangible improvement of the quality of life for all Iraqis. UNAMI will therefore maintain an important role in donor coordination. UNAMI also intends to increase its assistance activities in seven key areas which are focused on strengthening the management capacity in ministries, coordinating the provision of basic services and supporting the restoration of public infrastructure. The fifth meeting of the Donor Committee of the International Reconstruction Fund Facility for Iraq, planned for June, should also be seen as an important opportunity in this regard.

81. The human rights situation in Iraq remains a cause of great concern. In its latest bimonthly human rights report, UNAMI alerted the international community

to issues of mass detention, torture and extrajudicial killings. The Multinational Force and the Iraqi security forces have a particular responsibility to act in full accordance with international humanitarian and human rights law. While the Government has taken initial steps to address the situation, there is a need for further measures to ensure that both past and present abuses are dealt with on the basis of the rule of law and in accordance with international obligations. Without an improvement in the human rights situation, the development of mutual trust and national reconciliation efforts will prove elusive. Once established, the new Government will have a particular responsibility to enhance its efforts in this regard.

82. I remain gravely concerned by the security situation as demonstrated by the large number of casualties among civilians as a result of terrorist, insurgent, paramilitary and military action. I also remain very concerned about the increasingly sectarian nature of the violence, particularly in ethnically mixed areas, to which the almost daily reports of intercommunal intimidation, murder and attacks against sacred buildings bear testimony. The role of militias and irregular armed elements remains disturbing in this regard. The training of Iraqi security forces is an indispensable step towards improving the security situation. I take note of the efforts of the Multinational Force in this domain. Ultimately, the best way to address the security situation, beyond the training of Iraqi security forces, is to ensure a credible and inclusive political process and rapid improvement in the basic living conditions of the Iraqi people.

83. While UNAMI is seeking to step up its activities following the completion of the transition timetable endorsed in resolution 1546 (2004), in the current political and security environment in Iraq United Nations staff members remain at risk of becoming targets of violence. Staff security therefore remains the Mission's overarching guiding principle. Given the continuously changing environment on the ground, UNAMI must develop flexible plans for its operations and security arrangements. Although the nature of the deployment of the Multinational Force is likely to change, the Mission's need for a dedicated protection force for all its activities in Iraq remains. Operational constraints, such as the lack of dedicated air assets, will also have to be addressed as a matter of priority. I look forward to continuing engagement with Member States on the practical steps that need to be taken to provide UNAMI with the necessary level of support to fulfil the long-term commitment of the United Nations to supporting the people of Iraq. The development of a new integrated United Nations complex in Iraq will be essential in this regard.

84. As Iraq enters a new phase of its transition, I am pleased that UNAMI, under the leadership of my Special Representative, Ashraf Qazi, was able to provide all the necessary assistance in enabling Iraq to meet the key benchmarks of its political transition under resolution 1546 (2004). I also wish to pay tribute to the national and international staff of UNAMI and United Nations agencies for their dedicated work under very challenging circumstances.